

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEBRA CHOTE,

Plaintiff,

v.

Case No. 3:19-cv-01291-L

EQUIFAX INFORMATION SERVICES, LLC;
EXPERIAN INFORMATION SOLUTIONS, INC.;
and TRANS UNION, LLC,

Defendants.

JOINT SETTLEMENT STATUS REPORT

COMES NOW, Plaintiff Debra Chote (“Plaintiff”) and Defendants Equifax Information Services, LLC (“Equifax”), Experian Information Solutions, Inc. (“Experian”), and Trans Union LLC (“Trans Union”) (collectively the “Parties”), and pursuant to the Court’s Scheduling Order (Dkt. 21), file this their Joint Settlement Status Report.

Plaintiff’s Statement: FCRA cases are document intensive cases. Mixed file FCRA cases require extensive document production from the consumer reporting agencies (“CRAs”) to identify what information appeared in Plaintiff’s file at what point in time and what information relates to the consumer (or consumers) that appears in Plaintiff’s credit file. The onerous task of identifying the false and sometimes missing information is often completed after all the CRA Defendants have produced their internal documents related to Plaintiff’s file and claims.

Accordingly, and as set forth in the Parties’ July 30, 2019, Joint Status Report, Plaintiff requested and “the defendants agreed to informally produce non-confidential, non-privileged documents, in order to evaluate the possibility for an early demand.” (Doc. 20, ¶ 10). On July 10, 2019, Trans Union produced documents related to Plaintiff’s consumer disclosure and

communications to and from Plaintiff. On September 30, 2019, Plaintiff produced documents to the defendants related to her claims and damages. On October 23, 2019, Equifax produced documents related to Plaintiff's credit file and communications with Plaintiff. Similarly, on November 4, 2019, Experian produced documents related to Plaintiff's credit file. To date, the Parties have exchanged almost six-hundred pages of documents.

However, Plaintiff has not had a reasonable opportunity to examine all of the documents produced by the defendants and to further identify the universe of false items of information at issue in this case. Further, Plaintiff has requested Trans Union state whether certain identifying information, such as names that did not belong to Plaintiff - "Debra Robinson" or "Debora Robinson" - ever appeared in Plaintiff's Trans Union file. To date, Trans Union has not provided the answer to Plaintiff. Further, Experian's production includes documents created in 2008, and additional information related to Debora Robinson (at least one of the persons who is mixed with Plaintiff). Trans Union's and Equifax's document production is more limited in time, namely, 2016 and 2017.

For these reasons, it is premature for Plaintiff to make a demand to the CRA Defendants at this time. Plaintiff anticipates being able to make demands to each defendant after the completion of written discovery and in advance of the July 6, 2020, settlement deadline, pursuant to the Order Requiring Attorney Conference and Status Report (Doc. 16).

1. Equifax's Statement: Equifax states that Plaintiff has not yet provided a demand to Equifax in this matter. On October 24, 2019, Plaintiff requested in writing that Equifax informally produce documents so that Plaintiff could evaluate the possibility of an early demand. On October 24, 2019 and pursuant to Plaintiff's request, Equifax informally produced its relevant documents. To date, Equifax has not yet received a demand.

2. Experian's Statement: On October 23, 2019, Plaintiff requested in writing that Experian informally produce documents so that Plaintiff could evaluate the possibility of an early demand. On November 4, 2019, Experian made its informal production. Plaintiff has not yet provided a demand to Experian in this matter. Experian is willing to enter into settlement negotiations with Plaintiff and is open to early mediation prior to the Court's mediation deadline of February 3, 2020.

3. Trans Union's Statement: Trans Union has made repeated requests for Plaintiff to provide a settlement demand since the early outset of this case. However, despite these continued overtures, to date, Plaintiff has failed and/or refused to provide a settlement demand, significantly inhibiting Trans Union's ability to resolve this case. Trans Union is open to mediation before the Court's mediation deadline of February 3, 2020. Trans Union does not have a mediator preference but would reserve its right to object to a proposed mediator if necessary.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of November 2019, a true and correct copy of the above and foregoing document has been sent by Electronic Mail to the following parties:

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